



## CITY OF DULUTH

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

### STAFF REPORT

<b>File Number</b>	PL 14-119	<b>Contact</b>	Steven Robertson; 218 730 5295	
<b>Application Type</b>	Rezoning from R-1 to MU-N	<b>Planning Commission Date</b>	September 9, 2014	
<b>Deadline for Action</b>	<b>Application Date</b>	August 12, 2014	<b>60 Days</b>	October 11, 2014
	<b>Date Extension Letter Mailed</b>	August 15, 2014	<b>120 Days</b>	December 10, 2014
<b>Location of Subject</b>	4121 and 4127 Grand Avenue			
<b>Applicant</b>	Superior Choice Credit Union	<b>Contact</b>		
<b>Agent</b>	Gary Elliott, President	<b>Contact</b>	garye@superiorchoice.com	
<b>Legal Description</b>	Chandler Park Addition to Duluth, Lots 26-30			
<b>Site Visit Date</b>	September 1, 2014	<b>Sign Notice Date</b>	August 26, 2014	
<b>Neighbor Letter Date</b>	August 20, 2014	<b>Number of Letters Sent</b>	53	

#### Proposal

The applicant is requesting that the City change the zoning of lots 26 to 30 of Chandler Park Addition, from R-1 to MU-N.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Neighborhood Commercial
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	MU-N/MU-B	Commercial	Neighborhood Commercial
<b>East</b>	R-1/MU-N	Residential	Neighborhood Commercial
<b>West</b>	MU-N/R-1	Commercial	Neighborhood Commercial

#### Summary of Code Requirements (reference section with a brief description):

UDC Sec. 50-37.3.A: Any property owner may petition the planning commission to amend the district boundaries in which the property is located.

UDC Sec. 50-37.3.B: Planning commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.

UDC Sec. 50-37.3.C: The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that the application:

1. Is consistent with the Comprehensive Land Use Plan;
2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
3. Is required by public necessity, convenience, or general welfare, or good zoning practice;
4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

III. C-1

## Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Neighborhood Commercial-Small- to moderate scale commercial, serving primarily the adjacent neighborhood(s). May include specialty retail; community gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail (storefront retail with vertical mixed use). Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed use.

## Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The applicant is requesting that the City change the zoning of lots 26 to 30 of Chandler Park Addition, from R-1 to MU-N.
- 2) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or else be considered arbitrary and capricious.
- 3) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. This application is reasonably related to the future land uses in the Comprehensive Land Use Plan.
- 4) No negative impacts to the surrounding area are anticipated.
- 5) The applicant is intending to redevelop this site into a credit union (attached is an early draft version of the site plan). Please note that this is for informational purposes only, and once the property is rezoned to MU-N, any allowed use can be developed.
- 6) The MU-N purpose statement is: "The MU-N district is established to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood, as shown in Table 50-19.8."
- 7) No City or agency comments have been received. Once citizen comment was received (attached to the staff report) in favor of the rezoning. A second citizen called to ask about the general process and future use of the site.
- 8) Upon receipt of the planning commission recommendation, the council shall make a decision to adopt, adopt with modifications, or deny the rezoning application. The applicant did not submit written consent of 2/3 of property owners within 100 feet of the property to be rezoned. The motion to approve the rezoning from R-1 to MU-N must prevail with an affirmative vote of 2/3 by the city council.

## Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the UDC Map Amendment from R-1 to MU-N for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed MU-N zone district is consistent with the future land use category "Neighborhood Commercial".
- 3) Material adverse impacts on nearby properties are not anticipated.

Note: due to the approaching end of the construction season, the applicant has requested that the City Council have a first reading of the rezoning ordinance at their September 18th agenda session, and second reading (and approval) at the September 22 regular City Council meeting.

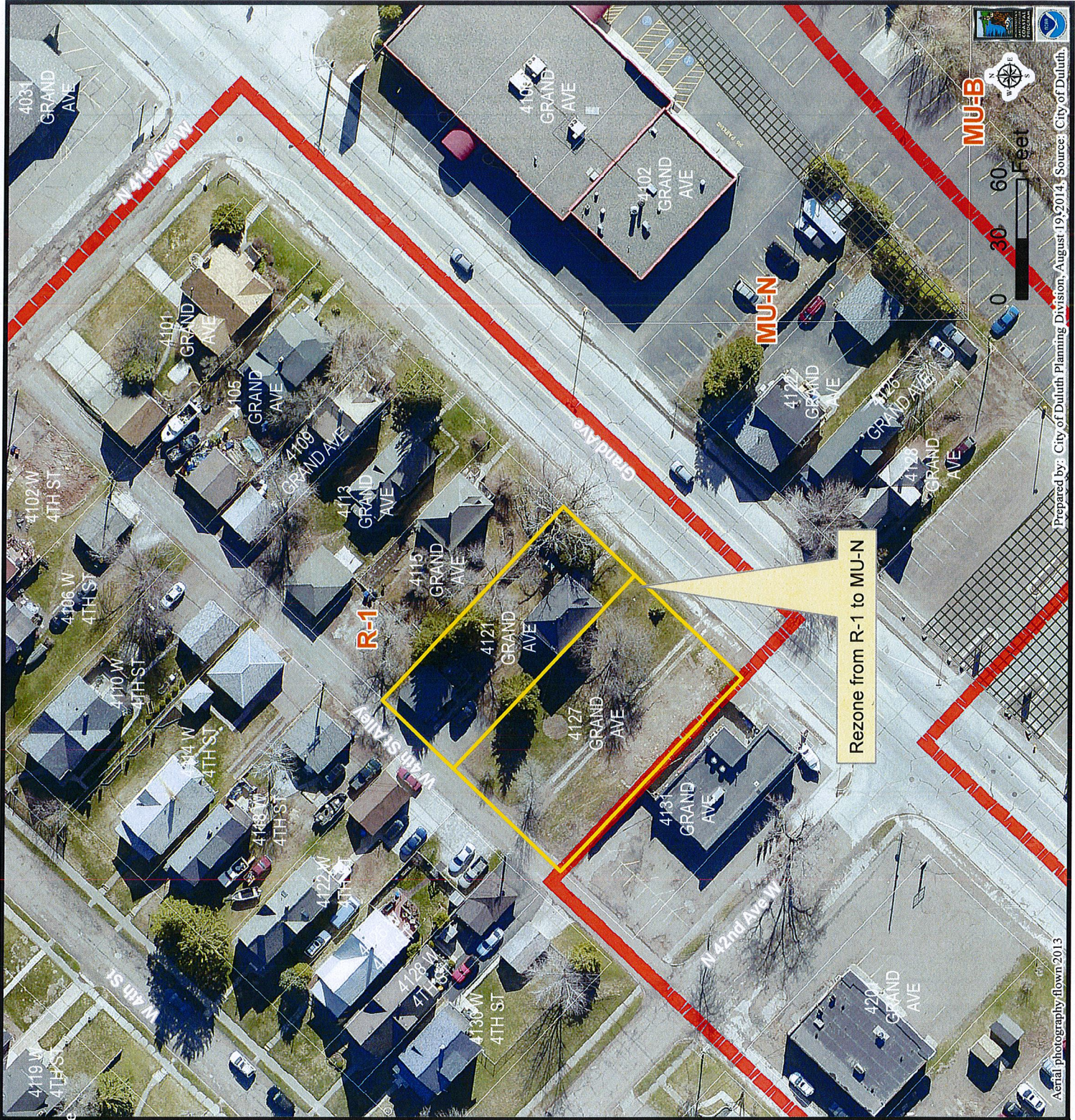
## Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

2-2





PL 14-119, 4121 & 4127 Grand Ave  
Rezone from R-1 to MU-N



**Legend**

 **Zoning Boundaries**

 **Vacated ROW**

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

*C-3*

Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, August 19, 2014. Source: City of Duluth.





PL 14-119, 4121 & 4127 Grand Ave  
Rezoning from R-1 to MU-N

## Legend

### Zoning Boundaries

Zoning Boundaries

Vacated ROW

### Future Land Use

Preservation

Recreation

Rural Residential

Low-density Neighborhood

Traditional Neighborhood

Urban Residential

Neighborhood Commercial

Neighborhood Mixed Use

General Mixed Use

Central Business Secondary

Central Business Primary

Auto Oriented Commercial

Large-scale Commercial

Business Park

Tourism/Entertainment District

Medical District

Institutional

Commercial Waterfront

Industrial Waterfront

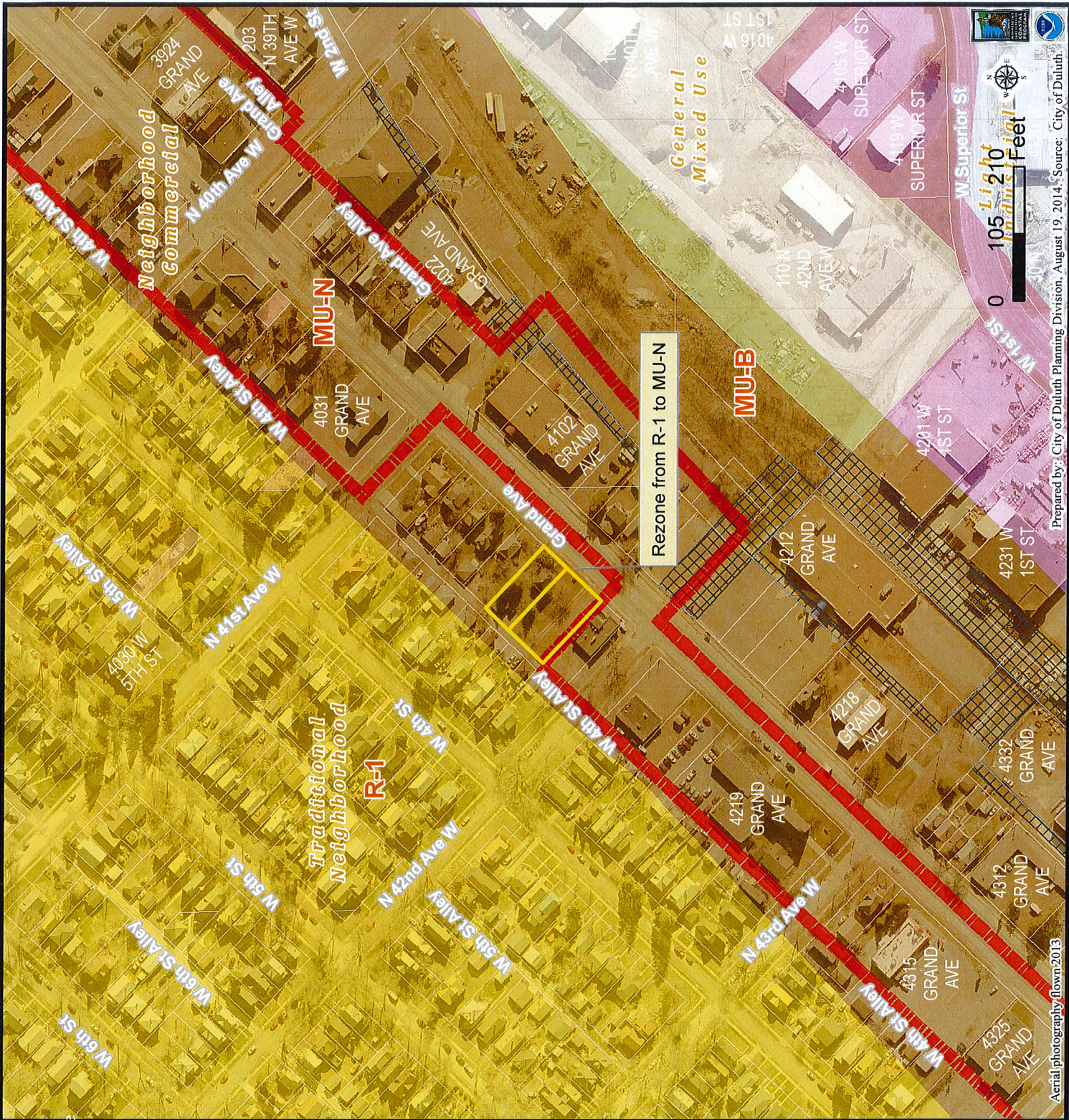
Light Industrial

General Industrial

Transportation and Utilities

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

9-4



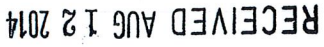
Aerial photography from 2013

Prepared by: City of Duluth Planning Division, August 19, 2014. Source: City of Duluth.









Phone: 763.755.1211 Fax: 763.757.2843  
tumpert@tumpert-inc.com

**ARCHITECT CERTIFICATION:**  
I HEREBY CERTIFY THAT THIS PLAN,  
SPECIFICATION OR REPORT WAS  
PREPARED BY ME OR UNDER MY DIRECT  
SUPERVISION AND THAT I AM A DULY  
LICENSED ARCHITECT UNDER THE  
LAWS OF THE STATE OF MINNESOTA.

**PRELIMINARY  
DESIGN REPORT  
NOT FOR  
CONSTRUCTION**

1,560.00  
LOCAL  
CITY

Branch For  
SUPERIOR CHOICE CREDIT UNION  
4121-4131 Grand Avenue, Duluth, Minnesota

Copyright 2014	
Leonard Lampert Architects, P.A.	
Project Designer: L. TRACY	
Drawn By: LLF	
Checked By: LL	
Revisions	
5/14/14	PRELIMINARY

## SITE PLAN

Sheet Number

A

Project No. 140512-2



April 2, 2014

Dear Mayor Ness and city staff

In the fall of 2012 Pak's Green Corner spent good effort and 800.- + dollars to rezone 41<sup>st</sup> to 43<sup>rd</sup> avenues West on the northerly side of Grand avenue to the alley to accommodate our desire to acquire a beer and wine license. Because of home owner related issues we could not easily rezone the portion of the block east of Pak's Restaurant.

I am writing this letter to spur the city and planning dept. to finish and make consistent the rest of the 41<sup>st</sup> block of grand east of Pak's Restaurant mixed use neighborhood (MUN) From R2?.

At the time of applying, It was my understanding this rezoning was going to be done by the city in a year or two, following the long rang plan.

I believe the rezoning of the 42<sup>nd</sup> block helped in the sudden development of the Quick Trip on that block.

It is our desire to see this trend to continue.

Could we set a meeting time to discuss this mater soon. I belive the parties need be present would be Dan Williams, Mayor Don Ness, Keith Hamre and John Judd.

Respectfully: Daniel Williams Pak Williams

C-7



**Uses Allowed in Residential-Traditional (R-1) Zone District**  
**Revised July 16, 2014**

Permitted Uses

- |   |   |
|---|---|
| - Dwelling, one-family                                      | - School, elementary                        |
| - Dwelling, two-family                                      | - Agriculture, urban                        |
| - Residential care facility/assisted<br>Living (6 or fewer) | - Day care facility, small (14 or<br>fewer) |
| - Park, playground or forest<br>reserve                     |   |

Special or Interim Uses

- |  |   |
|--|---|
| - Dwelling, townhouse                                      | - School, middle or high                                  |
| - Manufactured Home Park                                   | - Bed and breakfast                                       |
| - Co-housing facility                                      | - Preschool   |
| - Residential care facility/assisted<br>living (7 or more) | - Day care facility, large (15 or<br>more)                |
| - Cemetery or mausoleum                                    | - Electric power transmission line<br>or substation       |
| - Government building or public<br>safety facility         | - Major utility or wireless<br>telecommunication facility |
| - Museum, library, or art gallery                          | - Water or sewer pumping<br>stations/reservoirs           |
| - Religious assembly, small                                |   |
| - Religious assembly, large                                |   |

Interim Uses

- |                          |                                    |
|--------------------------|------------------------------------|
| - Vacation dwelling unit | - Accessory vacation dwelling unit |
|--------------------------|------------------------------------|

C-2



## **Uses Allowed in Mixed Use-Neighborhood (MU-N) Zone District**

### **Revised July 16, 2014**

#### Permitted Uses

- Dwelling, one family
- Dwelling, two-family
- Dwelling, townhouse
- Dwelling, multi-family
- Dwelling, live-work
- Co-housing facility
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Rooming house
- Bus or rail transit station
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Park, playground, or forest reserve
- Religious assembly, small
- Religious assembly, large
- Business, art, or vocational school
- School, elementary
- Medical or dental clinic
- Nursing home
- Agricultural, Urban
- Veterinary or animal hospital
- Bed and breakfast
- Office
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Personal service and repair, small
- Grocery store, small
- Retail store not listed, small

#### Special Uses

- Manufactured Home Park
- Cemetery or mausoleum
- School, middle or high
- Bank
- Data Center
- Restaurant (no drive-in/drive through, less than 5,000 sq ft)
- Theater
- Hotel or motel
- Funeral Home or Crematorium
- Personal service and repair, large
- Filling Station
- Automobile and light vehicle repair and service
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

#### Interim Uses

- Vacation dwelling unit

C-9